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Attorneys for Defendants
C. R. Bard, Inc. and
Bard Peripheral Vascular, Inc.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE: Bard IVC Filters Products Liability MDL NO. 15-02641-PHX-DGC
Litigation

This Document Relates to:

PAMELA NOTERMAN, an individual,

Plaintiff,

v.

Case No. CV-15-01714-PHX-DGC

C. R. BARD, INC., a New Jersey
Corporation; AND BARD PERIPHERAL
VASCULAR INC., (a subsidiary and/or
Division of Defendant C. R. BARD, INC.)
an Arizona Corporation,

Defendants.

**DEFENDANTS' MOTION TO
DISMISS THE PLAINTIFF'S
COMPLAINT**

Defendants C. R. Bard, Inc. and Bard Peripheral Vascular, Inc. (collectively, “Bard”) hereby move to dismiss the plaintiff’s Complaint (the “Complaint”) pursuant to Federal Rule of Civil Procedure 12(b). At the time the Complaint was filed on behalf of Pamela Noterman for her alleged personal injuries, she was already deceased. A deceased party cannot be a party to a legal action and as a result, the Complaint is a legal nullity, and the Court has no jurisdiction over it. Defendants therefore respectfully request that the Court dismiss the Complaint with prejudice. The arguments in support of this motion to dismiss are set forth in the accompanying memorandum of law, which is incorporated herein by reference.

This 11th day of March, 2016.

s/Richard B. North, Jr.
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**Attorney for Defendants C. R. Bard, Inc. and
 Bard Peripheral Vascular, Inc.**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 11, 2016, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send notification of such filing to all counsel of record.

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